

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

SEPTIC SOLUTIONS, INC.)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:17-cv-884
)	
TG WASTE WATER)	
TREATMENT SYSTEMS, LLC,)	
TG ONLINE, LLC., and)	
DANIEL S. BRYANT)	
)	
Defendants.)	

COMPLAINT FOR TRADEMARK AND
COPYRIGHT INFRINGEMENT

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., an Illinois Corporation, by John F. Watson and J. Patrick Lee of Craig & Craig, LLC, its attorneys, and for its Complaint against Defendants TG WASTE WATER TREATMENT SYSTEMS, LLC, a Texas Limited Liability Company, TG ONLINE, LLC, a Texas Limited Liability Company, and DANIEL S. BRYANT (hereinafter collectively referred to as "TGW"), states:

NATURE OF THE ACTION

1. This Complaint sets forth an action for trademark infringement, false designation of origin, and false representation and description in violation of the Lanham Act, 15 U.S.C. §§ 1114, 1125a, and 1125c; an action for copyright infringement arising under the Copyright Act of 1976, as amended, 17 U.S.C. § 101 et seq. (the "Copyright Act"); and an action for unfair and deceptive acts or practices in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510, all of which are

predicated upon Defendants' actions which have occurred in this District and nationally.

2. For the past fifteen years, Plaintiff SEPTIC SOLUTIONS, INC. has been the industry leader in the sale of septic system repair products, including online sale of same. SEPTIC SOLUTIONS, INC. has developed a unique website with more than one thousand products, primarily products which are hard to find anywhere else. A large number of these products are offered to meet specific needs and are only known to a select few industry experts, with SEPTIC SOLUTIONS, INC. being the premier source for those hard-to-find products, model numbers, and other technical data.

3. Defendants TGW are trading on that goodwill and recognition by providing septic system repair products and related services in a fashion that is likely to cause confusion with the source of the said products in conflict with SEPTIC SOLUTIONS, INC.'s longstanding trademarks. The Defendants have collectively created an online presence through their websites, blogs, paid adwords, online videos, and press releases that cause initial interest confusion in conflict with SEPTIC SOLUTIONS, INC.'s longstanding trademarks. The Defendants have intentionally and willfully utilized SEPTIC SOLUTIONS, INC.'s trademarks in a fashion designed to target the customers and clientele of SEPTIC SOLUTIONS, INC.

4. Additionally, TGW have copied verbatim more than three hundred pages of product page web content created by SEPTIC SOLUTIONS, INC. Plaintiff has spent hundreds, if not thousands, of hours creating the product page web content by selecting the important elements of the products and including those important elements in the

product pages, and by deselecting the less important elements of the products and not including those in the webpages. Plaintiff has spent hundreds of hours organizing the content of the product elements in the product page web content.

5. The Defendants have copied digital product images created by SEPTIC SOLUTIONS, INC., and have utilized placed said digital images on their own website and in other web content.

6. Defendants have advertised and sold septic system repair products in the Southern District of Illinois, and nationwide, through the unauthorized and infringing use the SEPTIC SOLUTIONS, INC.'s registered trademarks and copyrighted materials.

PARTIES

7. Plaintiff SEPTIC SOLUTIONS, INC. is an Illinois Corporation with its principal place of business at 314 West Center Street, Dieterich, Illinois 62424.

8. Defendant TG WASTE WATER TREATMENT SYSTEMS, LLC is a Texas Limited Liability Company with its principal place of business at 111 Vernon Road Aledo, Texas 76008.

9. Defendant TG ONLINE, LLC is a Texas Limited Liability Company with its principal place of business at 111 Vernon Road Aledo, Texas 76008.

10. TG WASTE WATER TREATMENT SYSTEMS, LLC is the parent company to TG ONLINE, LLC, and operates and directs the actions of its subsidiary, TG ONLINE, LLC.

11. Defendant DANIEL S. BRYANT is the President of TG ONLINE, LLC., resides at 7569 Kings Trail, Fort Worth, Texas 76133, and is the primary personal actor directing and creating the websites and the web presence of the Defendants complained of herein.

JURISDICTION AND VENUE

12. This Court has federal question jurisdiction pursuant to 28 U.S.C. §1331. This Court also has original jurisdiction of the claims brought under the Trademark Act and the Copyright Act pursuant to 28 U.S.C. §1338(a). This Court also has original jurisdiction of the claims of unfair competition that are substantially related to the copyright and trademark claims under 28 U.S.C. § 1338(b).

13. Venue is proper in the Southern District of Illinois pursuant to 28 U.S.C. § 1391(b), as a substantial part of the events, acts, and/or omissions giving rise to the claims occurred in this District. Venue is also proper in the Southern District of Illinois pursuant to 28 U.S.C. § 1391(c)(2) because each of the Defendants are subject to personal jurisdiction in this District under 735 ILCS 5/2-209 as each of the Defendants are transacting business, making, or performing contracts or promises substantially connected with the State of Illinois, and committing tortious acts in this District.

FEDERAL TRADEMARK REGISTRATIONS

14. SEPTIC SOLUTIONS, INC. is the owner of trademark U.S. Trademark Registration No. 3,215,128 (Septic Solutions Inc.), which was applied for on October 26, 2005, and given registration on March 6, 2007. SEPTIC SOLUTIONS, INC.'s US

Registration No. 3,215,128 (Septic Solutions, Inc.) is incontestable pursuant to 15 U.S.C. §1065. This registration is valid and subsisting, not cancelled, and unrevoked. A true and accurate copy of U.S. Trademark Registration No. 3,215,128 is attached hereto as Exhibit A.

15. SEPTIC SOLUTIONS, INC. is the owner of trademark U.S. Trademark Registration No. 3,731,246 (Septic Solutions), which was applied for on June 2, 2009, and given registration on December 29, 2009. SEPTIC SOLUTIONS, INC.'s US Registration No. 3,731,246 (Septic Solutions) is incontestable pursuant to 15 U.S.C. §1065. This registration is valid and subsisting, not cancelled, and unrevoked. A true and accurate copy of U.S. Trademark Registration No. 3,731,246 is attached hereto as Exhibit B.

16. SEPTIC SOLUTIONS, INC. is the owner of trademark U.S. Trademark Registration No. 4,763,454 (SEPAERATOR), which was applied for on August 22, 2015, and given registration on June 30, 2015. SEPTIC SOLUTIONS, INC.'s US Registration No. 4,763,454 (SEPAERATOR) is valid and subsisting, not cancelled, and unrevoked. A true and accurate copy of U.S. Trademark Registration No. 4,763,454 is attached hereto as Exhibit C.

17. SEPTIC SOLUTIONS, INC. is the owner of trademark U.S. Trademark Registration No. 4,763,426 (ULTRA-AIR), which was applied for on August 14, 2014, and given registration on June 30, 2015. SEPTIC SOLUTIONS, INC.'s US Registration No. 4,763,426 (ULTRA-AIR) is valid and subsisting, not cancelled, and unrevoked. A true and accurate copy of U.S. Trademark Registration No. 4,763,426

is attached hereto as Exhibit D.

FEDERAL COPYRIGHT REGISTRATION

18. SEPTIC SOLUTIONS, INC. is the owner of U.S. Copyright Registration Number TXu 2-030-959, registration date of May 4, 2017, consisting of website content at www.septicsolutions.com. A true and accurate copy of U.S. Copyright Registration Number TXu 2-030-959 is attached hereto as Exhibit E.

ILLINOIS TRADEMARK REGISTRATIONS

19. SEPTIC SOLUTIONS, INC. is the owner and registrant of Illinois Trademark Registration Number 104,434 (Septic Solutions), date of registration July 26, 2012. Illinois Registration Number 104,434 is active and in force and effect. A true and accurate copy of Illinois Secretary of State documentation on Illinois Trademark Registration Number 104,434 is attached hereto as Exhibit F.

20. SEPTIC SOLUTIONS, INC. is the owner and registrant of Illinois Trademark Registration Number 95,081 (Septic Solutions in stylized print and logo), date of registration October 28, 2005. Illinois Registration Number 95,081 is active and in force and effect. A true and accurate copy of Illinois Secretary of State documentation on Illinois Trademark Registration Number 95,081 is attached hereto as Exhibit G.

COUNT I—TRADEMARK INFRINGEMENT (WEBSITE CONTENT)

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count I of its Complaint against Defendants, TG WASTE WATER TREATMENT SYSTEMS, LLC, a Texas Limited Liability Company, TG ONLINE,

LLC, a Texas Limited Liability Company, and DANIEL S. BRYANT (hereinafter collectively referred to as "TGW"), states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count I of the Complaint, inclusive as though fully set forth herein.

21. Defendants TGW collectively own, operate, control and direct the website content located at www.tgwastewater.com, including the primary website and all of its linked and derivative pages (hereinafter referred collectively as the "TG Waste Water Online website").

22. The Defendants have utilized US Trademark Registrations of the Plaintiff at the TG Waste Water Online website in a manner that is likely to cause confusion, or has caused actual confusion, in the following instances:

- A. The listing of products found on the TG Waste Water Online website featuring the Septic Solutions '128 Registration;
- B. The metadata and meta-tags circulated for purposes of the search engines featuring the Septic Solutions '246 Registration;
- C. The press release titled "TG Wastewater Achieves a Breakthrough in Innovative and Sustainable Septic Solutions with Latest UL Approved Hiblow HP 80 Septic Pump" issued by Daniel Bryant and TG Waste Water, featuring the "Septic Solutions" United States Trademark Registration 3,731,246 ('246 Registration), with multiple links within the press release directing the user to the [tgwastewater.com](http://www.tgwastewater.com) online e-commerce store, found at the following location: <http://www.digitaljournal.com/pr/2515629>;
- D. The slideshow presentation titled Septic Solutions that directs viewers to the [tgwastewater.com](http://www.tgwastewater.com) online e-commerce website found at <https://www.docdroid.net/u0Q3IKJ/septic-tank-supplies.pptx.html>;

- E. The description located at <http://tgwastewater.com/alpha-air-al500-2-red-replacement-aerator-fr-jet-septic-systems>, for the Tgwastewater.com Alpha Air AL500-12, which features a substantially similar trademark, Alpha Air, for an identical product, being marketed to the same customers, in the same market, is likely to cause confusion,
- F. The description , located at <http://tgwastewater.com/alpha-air-al500-14-blue-replacement-aerator-for-jet-septic-systems>, was copied nearly word for word the Septic Solutions Ultra-Air® Model 735 BLUE item description. Use of this substantially similar trademark, Alpha Air, for an identical product, being marketed to the same customers, in the same market, is likely to cause confusion.

23. TGW's use of the Plaintiff's trademarks is likely to cause confusion among the public and within the industry with SEPTIC SOLUTIONS, INC.'s services offered under the four SEPTIC SOLUTIONS marks.

24. TGW does not now and never has had a license or SEPTIC SOLUTIONS, INC.'s consent to use its SEPTIC SOLUTIONS marks.

25. TGW's use of SEPTIC SOLUTIONS marks is likely to:

- a. Cause confusion, mistake, and/or deception; and/or
- b. Give the false and misleading impression that:
 - I. The services offered or provided by TGW and SEPTIC SOLUTIONS, INC. originate with or are under the control of a single source, or are backed or endorsed by a single source; or
 - ii. Defendant is a subsidiary of, or licensed by, or in some way associated with, connected or related to SEPTIC SOLUTIONS, INC.; and/or
- c. Lead to the passing off of TGW services as SEPTIC SOLUTIONS, INC services; and/or
- d. Injure SEPTIC SOLUTIONS, INC.'s business reputation, dilute the distinctive quality of the SEPTIC SOLUTIONS marks, and tarnish, cheapen, degrade, or dilute the quality image associated with the SEPTIC

SOLUTIONS marks, thereby destroying the trade value and goodwill attached to these marks.

26. TGW's acts constitute trademark infringement in violation of 15 U.S.C. § 1114.

27. TGW's marketing, promotion, and provision of septic system repair products under the SEPTIC SOLUTIONS marks constitutes the use of false designation of origin and false descriptions or representations tending to falsely describe and/or represent the Defendants' services as those of SEPTIC SOLUTIONS, INC.

28. TGW have, with knowledge of the falsity of the designation of origin, descriptions, and/or representations, used SEPTIC SOLUTIONS, INC.'s SEPTIC SOLUTIONS marks in connection with Defendant's products.

29. TGW continue to infringe SEPTIC SOLUTIONS, INC.'s SEPTIC SOLUTIONS marks despite TGW having actual and constructive knowledge of SEPTIC SOLUTIONS, INC.'s superior rights.

30. SEPTIC SOLUTIONS, INC. has already been damaged, and it is likely to continue to be damaged, by Defendants' use of such false designations of origin, descriptions, and/or representations, all in violation of §43a of the Lanham Act, 15 U.S.C. §1125a.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That the Court declare that Defendants have violated § 43a of the Lanham Act.

B. That the Defendants, their officers, agents, sales representatives, servants,

employees, associates, subsidiaries, affiliates, franchisees, attorneys, successors, and assignees, and all persons acting by, through, under or in active concert or participation with any of them be permanently enjoined from:

1. Using the name SEPTIC SOLUTIONS, either standing alone or in combination with any other word or words in connection with the marketing, promotion, delivery of septic system repair products and related products;
2. Using any name or mark confusingly similar to SEPTIC SOLUTIONS to identify themselves or their services while marketing, promoting, or providing septic system repair products anywhere in the United States;
3. Engaging in any course of conduct likely to cause confusion, deception, or mistake, or injure SEPTIC SOLUTIONS, INC.'s business reputation or dilute the distinctive quality of the family of SEPTIC SOLUTIONS marks;
4. Engaging in any course of conduct likely to enable the Defendants to benefit from the valuable goodwill and hard-earned reputation established in SEPTIC SOLUTIONS, INC.'s family of septic solutions marks; and
5. Engaging in any course of conduct calculated or likely to mislead the public into believing that Defendants' services are the same as or are related to SEPTIC SOLUTIONS, INC.'s services.

C. That all promotional literature, labels, packaging, advertisements, letterhead, websites, and all printed material and all means used for publication and distribution thereof in the custody or under the control of TGW and bearing the SEPTIC SOLUTIONS name be destroyed in accordance with 15 U.S.C. §1118;

D. That the Court direct an accounting of the Defendants' profits resulting from the violations of the Act;

E. That SEPTIC SOLUTIONS, INC. be granted actual damages in the amount

of the Defendants' profits resulting from the violations of the Act;

F. That SEPTIC SOLUTIONS, INC. be granted a reasonable royalty;

G. That SEPTIC SOLUTIONS, INC. be granted attorney's fees and costs; and

F. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT II—TRADEMARK INFRINGEMENT (GOOGLE AD WORDS)

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count II of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count II of the Complaint, inclusive as though fully set forth herein.

21. Defendants TGW have purchased paid Google Adwords in the form of SEPTIC SOLUTIONS Marks.

22. The Defendants have utilized U.S. Trademark Registrations of the Plaintiff through purchased paid Google Adwords in a manner that is likely to cause confusion, or has caused actual confusion, in the following instances:

- A. TGW have purchased ad space from Google using the trademark "septic solutions";
- B. TGW have purchased ad space from Google using the trademark "septic solutions, inc.";
- C. TGW have purchased ad space from Google where the advertisement text features the trademark "septic solutions".
- D. TGW have purchased ad space from Google using the trademark "Ultra-Air"; and

E. TGW have purchased ad space from Google using the trademark “Sepaerator”.

23. TGW's marketing, promotion, and provision of septic system repair products using the U.S. Trademark Registrations of the Plaintiff through purchased paid Google Adwords has caused initial interest confusion.

24. SEPTIC SOLUTIONS, INC. has already been damaged, and it is likely to continue to be damaged, by Defendants' use of the U.S. Trademark Registrations of the Plaintiff through purchased paid Google Adwords in violation of §43a of the Lanham Act, 15 U.S.C. §1125a.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That the Court declare that Defendants have violated § 43a of the Lanham Act.

B. That the Defendants, their officers, agents, sales representatives, servants, employees, associates, subsidiaries, affiliates, franchisees, attorneys, successors, and assignees, and all persons acting by, through, under or in active concert or participation with any of them be permanently enjoined from:

1. Using the name SEPTIC SOLUTIONS, either standing alone or in combination with any other word or words in connection with the marketing, promotion, delivery of septic system repair products and related products;
2. Using any name or mark confusingly similar to SEPTIC SOLUTIONS to identify themselves or their services while marketing, promoting, or providing septic system repair products anywhere in the United States;
3. Engaging in any course of conduct likely to cause confusion, deception, or mistake, or injure SEPTIC SOLUTIONS, INC.'s business reputation or

dilute the distinctive quality of the family of SEPTIC SOLUTIONS marks;

4. Engaging in any course of conduct likely to enable the Defendants to benefit from the valuable goodwill and hard-earned reputation established in SEPTIC SOLUTIONS, INC.'s family of septic solutions marks; and
5. Engaging in any course of conduct calculated or likely to mislead the public into believing that Defendants' services are the same as or are related to SEPTIC SOLUTIONS, INC.'s services.

C. That all promotional literature, labels, packaging, advertisements, letterhead, websites, and all printed material and all means used for publication and distribution thereof in the custody or under the control of TGW and bearing the SEPTIC SOLUTIONS name be destroyed in accordance with 15 U.S.C. §1118;

D. That the Court direct an accounting of the Defendants' profits resulting from the violations of the Act;

E. That SEPTIC SOLUTIONS, INC. be granted actual damages in the amount of the Defendants' profits resulting from the violations of the Act;

F. That SEPTIC SOLUTIONS, INC. be granted a reasonable royalty;

G. That SEPTIC SOLUTIONS, INC. be granted attorney's fees and costs; and

F. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT III—TRADEMARK INFRINGEMENT VIA BLOG POSTS

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count III of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count III of the Complaint, inclusive as though fully set forth herein.

21. Defendants TGW have used SEPTIC SOLUTIONS, INC. Registrations in blog posts and business listings to target SEPTIC SOLUTIONS, INC's customers. These blog posts and business listings were created by or at the direction of TGW purposely to:

- A. Manipulate Google and other search engine algorithms to create listings within the search engine results pages on Google and other search engines when potential customers enter keywords containing SEPTIC SOLUTIONS, INC's trademarks into the search engines. These listings within the search engine results pages contain SEPTIC SOLUTIONS, INC's trademarks multiple times and then when clicked on by the user, these listings direct the user searching for SEPTIC SOLUTIONS to the blogs and business listings and eventually to the TGW online e-commerce website.
- B. Utilize SEPTIC SOLUTIONS, INC's Registrations for Search Engine Optimization of the TGW e-commerce website. These Blogs and Business Listings create backlinks (or inbound links) to the TGW website utilizing the popular keywords containing SEPTIC SOLUTIONS INC's trademarks in order to boost web traffic to the TGW online e-commerce website and also direct users searching for SEPTIC SOLUTIONS, INC's website to the TGW online e-commerce website.

22. The Defendants have utilized U.S. Trademark Registrations of the Plaintiff in blog posts in a manner that is likely to cause confusion, or has caused actual confusion, in the following instances:

- A. A blog titled "Septic Solutions" that is about purchasing product from TG Wastewater, along with links back to the tgwastewater.com online e-commerce store. This blog has multiple articles that use "Septic Solutions", as well as hyper-links with anchor text "septic solutions" that redirect the user to the tgwastewater.com online e-commerce store,

located at <https://septicsolutionsblog.wordpress.com/>;

- B. A blog titled "Septic Solutions" that is about purchasing product from TG Wastewater, along with links back to the tgwastewater.com online e-commerce store located at <https://samanthamistry.wordpress.com/>;
- C. A blog titled "Septic Solutions" with an article titled "What are the Septic Solutions to Maintain the System Properly?" located at <http://septsolution.blogspot.com/2016/06/what-are-septic-solutions-to-maintain.html>;
- D. A blog titled "Best Septic Tank Solutions" with multiple articles directing users to the tgwastewater.com online e-commerce site. One article is titled "Septic Solutions: What are the Common Causes of Septic Tank Issues?" and includes the language, "Following proper septic solutions will guide you to maintain your septic tanks properly" in which "septic solutions" is used as anchor text in a hyperlink to tgwastewater.com, containing another article titled "Septic Solutions: How to Do Wastewater Treatment?," including "septic solutions" as anchor text for a hyperlink that leads to tgwastewater.com located at <http://bestseptic tanksolutions.blogspot.com>;
- E. A blog titled "Septic System Parts" with multiple articles containing links directing users to tgwastewater.com. This blog includes many uses of "Septic Solutions" including an article titled "What are the better Septic Solutions for a Clean Maintenance of the Septic System?" located at <https://septicsystempartsblog.wordpress.com/>;
- F. A slideshow presentation titled Septic Solutions that directs viewers to the tgwastewater.com online e-commerce website located at <https://www.docdroid.net/u0Q3IKJ/septic-tank-supplies.pptx.html>;
- G. A blog that contains "septic solutions" as a keyword tag in multiple articles within the blog and leads users to the tgwastewater.com online e-commerce website located at <http://aprilmunter.skyrock.com/tags/ekGIVYucml-tgwastewater.html>;
- H. A blog that contains "septic solutions" as a keyword tag that directs viewers to contact TG Wastewater located at <http://tgwastewater.blogspot.com/>;
- I. A blog that uses "septic solutions" multiple times within the article shown on the blog and directs viewers to tgwastewater.com online e-commerce

website located at <http://blogs.rediff.com/twigchard30/2016/11/28/tg-waste-water-all-round-add-ons-for-riser-merchandise/>;

- J. A blog titled "Sewage Solutions" containing an article titled "What Are The Things You Need To Consider For Septic Solution" and contains many uses of "septic solutions" within multiple articles that all direct viewers to tgwastewater.com online e-commerce website located at <http://sewagesol.blogspot.com/2016/04/what-are-things-you-need-to-consider.html> ;
- K. A blog that contains the phrase "The septic solutions will provide you same day shipping---" and directing viewers to the tgwastewater.com online e-commerce website located at <https://smartsepticpump.wordpress.com/>;
- L. A business registration listing that shows the contact information, address, and website for TGW that uses "septic solutions" as a keyword located at <http://www.localnoggins.com/profile/texas/home-repair-and-additions-home-services/tgwastewater>; and
- M. A business registration listing that shows the business information of TGW and utilizes "septic solutions" as a keyword tag second only to tgwastewater located at <http://www.brownbook.net/business/40476288/tgwastewater>.

23. TGW's use of the U.S. Trademark Registrations of the Plaintiff in blog posts is likely to cause confusion among the public and within the industry with SEPTIC SOLUTIONS, INC.'s services offered under the four SEPTIC SOLUTIONS marks.

24. TGW's marketing, promotion, and provision of U.S. Trademark Registrations of the Plaintiff in blog posts constitutes the use of false designation of origin and false descriptions or representations tending to falsely describe and/or represent defendant's services as those of SEPTIC SOLUTIONS, INC.

25. TGW have, with knowledge of the falsity of the designation of origin, descriptions, and/or representations, used SEPTIC SOLUTIONS, INC.'s SEPTIC

SOLUTIONS marks in connection with Defendants' products in the form of blog posts.

26. SEPTIC SOLUTIONS, INC. believes that it has already been damaged, and it is likely to continue to be damaged, by Defendants' use of such false designations of origin, descriptions, and/or representations, all in violation of §43a of the Lanham Act, 15 U.S.C. § 1125a.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That the Court declare that Defendants have violated § 43a of the Lanham Act.

B. That the Defendants, their officers, agents, sales representatives, servants, employees, associates, subsidiaries, affiliates, franchisees, attorneys, successors, and assignees, and all persons acting by, through, under or in active concert or participation with any of them be permanently enjoined from:

1. Using the name SEPTIC SOLUTIONS, either standing alone or in combination with any other word or words in connection with the marketing, promotion, delivery of septic system repair products and related products;
2. Using any name or mark confusingly similar to SEPTIC SOLUTIONS to identify themselves or their services while marketing, promoting, or providing septic system repair products anywhere in the United States;
3. Engaging in any course of conduct likely to cause confusion, deception, or mistake, or injure SEPTIC SOLUTIONS, INC.'s business reputation or dilute the distinctive quality of the family of SEPTIC SOLUTIONS marks;
4. Engaging in any course of conduct likely to enable the Defendants to benefit from the valuable goodwill and hard-earned reputation established in SEPTIC SOLUTIONS, INC.'s family of septic solutions marks; and

5. Engaging in any course of conduct calculated or likely to mislead the public into believing that Defendants' services are the same as or are related to SEPTIC SOLUTIONS, INC.'s services.

C. That all promotional literature, labels, packaging, advertisements, letterhead, websites, and all printed material and all means used for publication and distribution thereof in the custody or under the control of TGW and bearing the SEPTIC SOLUTIONS name be destroyed in accordance with 15 U.S.C. §1118;

D. That the Court direct an accounting of the Defendants' profits resulting from the violations of the Act;

E. That SEPTIC SOLUTIONS, INC. be granted actual damages in the amount of the Defendants' profits resulting from the violations of the Act;

F. That SEPTIC SOLUTIONS, INC. be granted a reasonable royalty;

G. That SEPTIC SOLUTIONS, INC. be granted attorney's fees and costs; and

F. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT IV—TRADEMARK INFRINGEMENT VIA YOUTUBE

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count IV of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count IV of the Complaint, inclusive as though fully set forth herein.

21. Defendants TGW have used SEPTIC SOLUTIONS, INC. Registrations in

YouTube videos and podcasts to target SEPTIC SOLUTIONS, INC's customers. These videos and podcasts were created by or at the direction of TGW purposely to:

- A. Manipulate YouTube, Google, and other search engine algorithms to create listings within the search engine results pages on YouTube, Google, and other search engines when potential customers enter keywords containing SEPTIC SOLUTIONS INC's trademarks into the search engines. These listings within the search engine results pages contain SEPTIC SOLUTIONS INC's trademark multiple times and then when clicked on by the user, these listings direct the user searching for SEPTIC SOLUTIONS to the YouTube videos and podcasts and eventually to the TGW online e-commerce website.
- B. Utilize SEPTIC SOLUTIONS, INC Registrations for Search Engine Optimization of the TGW e-commerce website. These YouTube videos and podcasts create backlinks (or inbound links) to the TGW website utilizing the popular keywords containing SEPTIC SOLUTIONS INC's trademarks in order to boost web traffic to the TGW online e-commerce website and also direct users searching for SEPTIC SOLUTIONS, INC's website to the TGW online e-commerce website.

22. The Defendants have utilized the U.S. Trademark Registrations of the Plaintiff in the titles of their videos on YouTube in a manner that is likely to cause confusion, or has caused actual confusion, in the following instances:

- A. YouTube video titled "Septic Solutions" located at https://youtu.be/bb369i_q8sg;
- B. YouTube video titled "Septic Solutions" located at https://youtu.be/VN28c_s5AKg;
- C. YouTube video titled "Septic Solution" located at <https://youtu.be/HGpQmKbTXpA>;
- D. YouTube video titled "How To Use The Right Septic Solutions for Homes?" located at <https://youtu.be/ASs6tnsy4jY>;
- E. YouTube video titled "What are some of the essential facts to care about Septic Solutions?" located at <https://youtu.be/tjCTwgUZmJc>;

- F. YouTube video titled “Septic Solution” located at <https://www.storeboard.com/jimwhite/videos/septic-solution/221193>;
- G. YouTube video that utilizes the text “Septic Solutions stocks all models and give offer fast and free same day shipping” located at <https://www.youtube.com/watch?v=p6b4PSqwLi4>;
- H. Online podcast titled “A Brief Outline on Septic Solutions profound secret” that states “septic solutions” multiple times within the recording located at <http://shoutengine.com/Tgwastewater/a-brief-outline-on-septic-solutions-profound-secre-19355>; and
- I. Online podcast titled “What are the better septic solutions for a durable framework” that states “septic solutions” multiple times within the recording located at <http://shoutengine.com/Tgwastewater/what-are-the-better-septic-solutions-for-a-durable-19368>.

23. TGW's use of the U.S. Trademark Registrations of the Plaintiff in the titles of their videos is likely to cause confusion among the public and within the industry with SEPTIC SOLUTIONS, INC.'s services offered under the four SEPTIC SOLUTIONS marks.

24. TGW's marketing, promotion, and provision of septic system repair products using the U.S. Trademark Registrations of the Plaintiff in the titles of their videos constitutes the use of false designation of origin and false descriptions or representations tending to falsely describe and/or represent Defendants' services as those of SEPTIC SOLUTIONS, INC.

25. SEPTIC SOLUTIONS, INC. has been damaged, and it is likely to continue to be damaged, by Defendants' use of such false designations of origin, descriptions, and/or representations, all in violation of §43a of the Lanham Act, 15 U.S.C. §1125a.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That the Court declare that Defendants have violated § 43a of the Lanham Act.

B. That the Defendants, their officers, agents, sales representatives, servants, employees, associates, subsidiaries, affiliates, franchisees, attorneys, successors, and assignees, and all persons acting by, through, under or in active concert or participation with any of them be permanently enjoined from:

1. Using the name SEPTIC SOLUTIONS, either standing alone or in combination with any other word or words in connection with the marketing, promotion, delivery of septic system repair products and related products;
2. Using any name or mark confusingly similar to SEPTIC SOLUTIONS to identify themselves or their services while marketing, promoting, or providing septic system repair products anywhere in the United States;
3. Engaging in any course of conduct likely to cause confusion, deception, or mistake, or injure SEPTIC SOLUTIONS, INC.'s business reputation or dilute the distinctive quality of the family of SEPTIC SOLUTIONS marks;
4. Engaging in any course of conduct likely to enable the Defendants to benefit from the valuable goodwill and hard-earned reputation established in SEPTIC SOLUTIONS, INC.'s family of septic solutions marks; and
5. Engaging in any course of conduct calculated or likely to mislead the public into believing that Defendants' services are the same as or are related to SEPTIC SOLUTIONS, INC.'s services.

C. That all promotional literature, labels, packaging, advertisements, letterhead, websites, and all printed material and all means used for publication and distribution thereof in the custody or under the control of TGW in bearing the SEPTIC SOLUTIONS name be destroyed in accordance with 15 U.S.C. §1118;

D. That the Court direct an accounting of the Defendants' profits resulting from the violations of the Act;

E. That SEPTIC SOLUTIONS, INC. be granted actual damages in the amount of the Defendants' profits resulting from the violations of the Act;

F. That SEPTIC SOLUTIONS, INC. be granted a reasonable royalty;

G. That SEPTIC SOLUTIONS, INC. be granted attorney's fees and costs; and

F. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT V—COPYRIGHT INFRINGEMENT

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count V of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count V of the Complaint, inclusive as though fully set forth herein.

21. SEPTIC SOLUTIONS, INC. has spent hundreds if not thousands of hours to create its product page web content.

22. TGW have copied verbatim more than three hundred pages of product page web content created by SEPTIC SOLUTIONS, INC. Plaintiff has spent hundreds if not thousands of hours creating the product page web content by selecting the important elements of the products and including those important elements in the product pages, and by deselecting the less important elements of the products and not including those in the webpages, and has spent hundreds of hours organizing the

content of the product elements in the product page web content.

23. The Defendants have also copied digital product images created and generated by SEPTIC SOLUTIONS, INC.

24. Defendant's adoption and use of digital images and web page content generated by SEPTIC SOLUTIONS in connection with the marketing, promotion, and delivery of septic system repair products infringes SEPTIC SOLUTIONS INC's copyrights in violation of 17 U.S.C. § 501.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That SEPTIC SOLUTIONS, INC. be granted an injunction against TGW from using any content taken from the SEPTIC SOLUTIONS website, www.septicsolutions.com pursuant to 17 U.S.C. § 502.

B. That SEPTIC SOLUTIONS, INC. be awarded compensatory damages for lost profits and/or the Defendants' profits attributable to the violations; and

C. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT VI—COPYRIGHT INFRINGEMENT (POST-REGISTRATION)

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count VI of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count VI of the Complaint, inclusive as though fully set forth herein.

21. SEPTIC SOLUTIONS, INC. is and has been engaged in providing a wide

range of septic system repair products using its copyrighted website, www.septicsolutions.com, which incorporates its SEPTIC SOLUTIONS copyright (see e.g. Registration Number TXu 2-030-959).

22. SEPTIC SOLUTIONS, INC. has spent hundreds if not thousands of hours to create the product page web content by selecting the important elements of the products including those important elements in the product pages, and by deselecting the less important elements of the products and not including those in the webpages, as well as spent hundreds of hours organizing the content of the product elements in the product page web content.

23. TGW have copied verbatim materials from SEPTIC SOLUTIONS, INC.'s copyrighted website in its online product descriptions and images.

24. Defendants' adoption and use of SEPTIC SOLUTIONS in connection with the marketing, promotion, and delivery of septic system repair products infringes SEPTIC SOLUTIONS INC's copyrighted website by diminishing Plaintiff's ability to identify and distinguish its services, in violation of 17 U.S.C. §501.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That SEPTIC SOLUTIONS, INC. be granted an injunction against TGW from using any information taken from the SEPTIC SOLUTIONS website, www.septicsolutions.com, pursuant to 17 U.S.C. § 502.

B. That SEPTIC SOLUTIONS, INC. be awarded statutory damages pursuant to 17 U.S.C. §504;

C. That SEPTIC SOLUTIONS, INC. be awarded reasonable attorney fees and

full costs of this case from TGW pursuant to 17 U.S.C. § 505., and

D. That SEPTIC SOLUTIONS INC. be granted such further and other relief as this Court may deem just and proper.

COUNT VII — COPYRIGHT INFRINGEMENT (YOUTUBE)

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count VII of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count VII of the Complaint, inclusive as though fully set forth herein.

21. TGW have copied and utilized digital images created and generated by SEPTIC SOLUTIONS, INC. in YouTube videos, including the following:

- A. <https://youtu.be/qzjhaM3kGu4> @ 0:59 Septic Solutions Air Pump is shown with Logo
- B. <https://youtu.be/qgh4SR0WoJI> @ 0:06 Septic Solutions Tank Drawing is shown
- C. <https://youtu.be/QfleegMavus> @ 1:18 Septic Solutions Tank Drawing is shown
- D. https://youtu.be/dqiSGKAOD_0 @ 0:54 Septic Solutions Tank Drawing is shown
- E. <https://youtu.be/hFpSF48Ov2c> @ 1:10 Septic Solutions Air Pump is shown with Logo
- F. <https://youtu.be/duleqBm6WaE> @ 0:30 Septic Solutions Tank Drawing is shown
- G. <https://youtu.be/fcw7kpKWnco> @ 0:13 Septic Solutions Tank Drawing is shown

H. <https://youtu.be/qrGF1LjUhjU> @ 0:00 & @ 0:13 Septic Solutions Tank Drawing is shown

I. <https://youtu.be/2kbLRzpMqL0> @ 2:15 Septic Solutions Tank Drawing is shown

22. Defendant's adoption and use of digital images created and generated by SEPTIC SOLUTIONS in connection with the marketing, promotion, and delivery of septic system repair products infringes SEPTIC SOLUTIONS INC's copyrights in violation of 17 U.S.C. § 501.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That SEPTIC SOLUTIONS, INC. be granted an injunction against TGW from using any content taken from the SEPTIC SOLUTIONS website, www.septicsolutions.com, pursuant to 17 U.S.C. § 502.

B. That SEPTIC SOLUTIONS, INC. be awarded compensatory damages for lost profits and/or the Defendants' profits attributable to the violations; and

C. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT VIII — COPYRIGHT INFRINGEMENT (AMAZON.COM)

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count VIII of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count VIII of the Complaint, inclusive as though fully set forth herein.

21. TGW have copied and utilized digital images and product descriptions

created and generated by SEPTIC SOLUTIONS, INC. in product pages on www.amazon.com, including the following:

- A. Pump Saver Filtration Screen. The pump saver screen is a private label that Septic Solutions uses for the Sim/Tech No Vault Filter. All of the product information on the Amazon page was taken from septicsolutions.com. The link is as follows:
<https://www.amazon.com/SimTech-Pump-Saver-Filtration-screen/dp/B019Y8UTJK>
- B. Secoh EL-80-15-AL. This Amazon listing uses a product photo taken from septicsolutions.com. The link is as follows:
https://www.amazon.com/Secoh-EL-80-15-AL-Septic-Attached-Alarm/dp/B01IW2AM0U/ref=sr_1_57?m=A245L2XLKJXB9W&s=merchant-items&ie=UTF8&qid=1497454049&sr=1-57
- C. Medo Piston Repair Kit. This Amazon listing, a product being shipped and sold by TGWasteWater, uses a product description created by SEPTIC SOLUTIONS, INC., and incorporate Plaintiff's trademark. The link is as follows:
https://www.amazon.com/Medo-60-Piston-Rebuild-Kit/dp/B01JJDZ8UK/ref=sr_1_144?m=A245L2XLKJXB9W&s=merchant-items&ie=UTF8&qid=1497454358&sr=1-144

22. Defendant's adoption and use of digital images and product descriptions created and generated by SEPTIC SOLUTIONS in connection with the marketing, promotion, and delivery of septic system repair products infringes SEPTIC SOLUTIONS INC's copyrights in violation of 17 U.S.C. § 501.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That SEPTIC SOLUTIONS, INC. be granted an injunction against TGW from using any content taken from the SEPTIC SOLUTIONS website, www.septicsolutions.com, pursuant to 17 U.S.C. § 502.

B. That SEPTIC SOLUTIONS, INC. be awarded compensatory damages for lost

profits and/or the Defendants' profits attributable to the violations; and

C. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT IX — COPYRIGHT INFRINGEMENT (BLOG POST)

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count IX of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count IX of the Complaint, inclusive as though fully set forth herein.

21. TGW have copied and utilized a digital images created and generated by SEPTIC SOLUTIONS, INC. in a blog post located at:

<https://treatmentofwastewater.wordpress.com/>

22. Defendant's adoption and use of a digital image created and generated by SEPTIC SOLUTIONS in connection with the marketing, promotion, and delivery of septic system repair products infringes SEPTIC SOLUTIONS INC's copyrights in violation of 17 U.S.C. § 501.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays:

A. That SEPTIC SOLUTIONS, INC. be granted an injunction against TGW from using any content taken from the SEPTIC SOLUTIONS website, www.septicsolutions.com, pursuant to 17 U.S.C. § 502.

B. That SEPTIC SOLUTIONS, INC. be awarded compensatory damages for lost profits and/or the Defendants' profits attributable to the violations; and

C. That SEPTIC SOLUTIONS, INC. be granted such further and other relief as this Court may deem just and proper.

COUNT X—UNFAIR TRADE PRACTICES

Now comes the Plaintiff, SEPTIC SOLUTIONS, INC., by undersigned counsel, and for Count X of its Complaint against Defendants, TGW, states:

1.-20. SEPTIC SOLUTIONS, INC. repeats and re-alleges the allegations contained in paragraphs 1 through 20 of this Complaint, inclusive, as paragraphs 1 through 20 of Count X of the Complaint, inclusive as though fully set forth herein.

21. SEPTIC SOLUTIONS, INC has conducted business in the State of Illinois since 2000. During this time SEPTIC SOLUTIONS, INC has sold more than ten thousand Class 1 Aerobic Treatment Systems, all of which have needed or will need repair parts, and also millions of dollars' worth of septic system parts and components. The majority of this market, established by SEPTIC SOLUTIONS, INC, resides within the Southern District of Illinois.

22. TGW has specifically targeted Illinois customers by infringing upon SEPTIC SOLUTIONS, INC's Registrations while offering a similar product line with a similar pricing structure.

23. TGW's infringing actions affect commerce in the State of Illinois.

24. TGW's unfair methods of competition and their unfair and deceptive trade practices have injured SEPTIC SOLUTIONS INC. in that SEPTIC SOLUTIONS INC. has suffered and will continue to suffer damages to its reputation and customer goodwill as a direct and proximate result of TGW's willful, illegal conduct.

25. TGW has been unjustly enriched by their unfair methods of competition and unfair and deceptive trade practices as a direct and proximate result of its illegal conduct.

26. TGW's unfair methods of competition and their unfair and deceptive trade practices have caused and, unless enjoined by this Court, will continue to cause, irreparable injury to SEPTIC SOLUTIONS INC. and the goodwill associated with SEPTIC SOLUTIONS INC.'s marks, unless and until such activity is enjoined by this Court.

27. TGW's unfair methods of competition and their unfair and deceptive trade practices have caused and are likely to continue causing substantial injury to the public and to SEPTIC SOLUTIONS INC., and SEPTIC SOLUTIONS INC. is entitled to injunctive relief and to recover treble damages and reasonable attorneys' fees, in accordance with Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/3.

WHEREFORE, SEPTIC SOLUTIONS, INC. prays

A. That SEPTIC SOLUTIONS, INC. be granted injunctive relief against TGW;
B. That SEPTIC SOLUTIONS, INC. be awarded compensatory damages;
C. That SEPTIC SOLUTIONS, INC. be awarded treble damages and reasonable attorneys' fees, in accordance with Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/3;

D. That SEPTIC SOLUTIONS INC. be granted such further and other relief as this Court may deem just and proper.

SEPTIC SOLUTIONS, INC., an Illinois Corporation,
Plaintiff

By s/ John F. Watson
John F. Watson
Craig & Craig, LLC
1807 Broadway Avenue
P.O. Box 689
Mattoon, Illinois 61938
Phone: (217) 234-6481
Facsimile: (217)234-6486
Bar Number: IL No. 6217481
Email: jfw@craiglaw.net

And

s/ J. Patrick Lee
J. Patrick Lee
Craig & Craig, LLC
1807 Broadway Avenue
P.O. Box 689
Mattoon, IL 61938
Telephone: (217)234-6481
Facsimile: (217)234-6486
Bar Number: IL No. 6277871
Email: jpl@craiglaw.net

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

SEPTIC SOLUTIONS, INC.)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:17-cv-884
)	
TG WASTE WATER)	
TREATMENT SYSTEMS, LLC,)	
TG ONLINE, LLC., and)	
DANIEL S. BRYANT)	
)	
Defendants.)	

JURY DEMAND

The Plaintiff demands a jury trial on all issues triable to a jury in this matter.

SEPTIC SOLUTIONS, INC., an Illinois Corporation,
Plaintiff

By s/ John F. Watson
John F. Watson
Craig & Craig, LLC
1807 Broadway Avenue
P.O. Box 689
Mattoon, Illinois 61938
Phone: (217) 234-6481
Fax: (217) 234-6486
E-mail: jfw@craiglaw.net